

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
HA-05 OMB-01 TRSE-00 IO-13 /083 W
-----093963 120716Z /13/17

R 100842Z APR 78
FM AMCONSUL KADUNA
TO AMEMBASSY LAGOS
AMCONSUL IBADAN
SECSTATE WASHDC 3960

C O N F I D E N T I A L SECTION 1 OF 2 KADUNA 0457

C O R R E C T E D C O P Y (TEXT CORRECTED)

E.O. 11652: GDS
TAGS: PGOV, PDEV, NI
SUBJECT: MORE ON CA SHARIA WALKOUT

REF: LAGOS 4296, KADUNA 0447

1. LAKE AND I CALLED ON ISA KAITA APRIL 7 AND RAISED WALKOUT OF NORTHERN MOSLEM MEMBERS FROM CA OVER SHARIA QUESTION. KAITA SAID HE HAD BEEN CONSULTED ON ISSUE BY NORTHERN MEMBERS FOR PAST WEEK OR SO THROUGH TELEPHONE CALLS AND VISITORS FROM LAGOS. NORTHERN MOSLEM DELEGATION HAD DECIDED ON WALKOUT EARLY LAST WEEK (OR LATE THE WEEK BEFORE) IN THE EVENT LOWEST LEVEL COMPROMISE ACCEPTABLE TO NORTH, A DIVISION OF FEDERAL COURT OF APPEAL FOR SHARIA, WAS NOT VOTED BY CA.

2. ACCORDING TO KAITA, OBASANJO AND YAR'ADUA, HAD BEEN APPRISED BY MEMBERS NORTHERN CAUCUS OF INTENT TO WITHDRAW SHOULD NORTH'S REQUIREMENTS ON SHARIA NOT BE MET. WHEN QUERIED ON WHETHER WALKOUT WAS FOR SHORT PERIOD OR INDEFINITE KAITA WAFFLED, SAYING AT ONE POINT "INDEFINITE" AND
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LIKENING IT TO SIMILAR 1956 MANEUVER ON PART OF NORTH TO DELAY INDEPENDENCE. LATER IN CONVERSATION HE SAID HE THOUGHT DURATION OF NORTHERN WALKOUT WOULD BE RELATIVELY SHORT AS SOUTHERN MEMBERS OF CA WOULD "HAVE TO" RECONSIDER LAST WEEK'S DECISION ON SHARIA IN LIGHT ABSENCE ONE-THIRD OR MORE OF ASSEMBLY MEMBERS.

3. WHEN QUERIED AS TO WHY QUESTION OF DIVISION VS. PANEL OF APPEALS COURT FOR SHARIA SO IMPORTANT, KAITA CITED INHERITANCE CASE, DETAILS OF WHICH HE DID NOT REMEMBER, WHICH HAD BEEN APPEALED UP TO SUPREME COURT SEVERAL YEARS AGO. THREE JUDGE SUPREME COURT PANEL, ASSISTED BY ISLAMIC LAW SPECIALIST AS ASSESSOR, HAD CONSIDERED CASE. DESPITE THE ASSESSOR'S AND ONE MOSLEM PANEL MEMBER'S ASSURANCE THAT DECISION WAS CONTRARY TO MOSLEM LAW, TWO NON-MOSLEM MEMBERS VOTED AGAINST THEIR COLLEAGUE AND CASE WAS DECIDED IMPROPERLY ACCORDING TO ISLAMIC LAW. KAITA SAID THAT WHAT NORTH WOULD SETTLE FOR WAS DIVISION OF FEDERAL APPEALS COURT, COMPOSED OF JUDGES WHO WERE MOSLEMS AND SPECIALISTS IN ISLAMIC LAW WHOSE ONLY DUTY WOULD BE TO HEAR SHARIA APPEALS CASES. OTHER MEMBERS OF APPEAL COURT WOULD HAVE NO JURISDICTION IN SUCH CASES.

4. WHEN ASKED WHY NORTHERN MEMBERS HAD NOT BEEN ABLE FIND SOME ISSUE OF SUFFICIENT IMPORTANCE TO SOUTH OR ELEMENT OF SOUTH IN ORDER TO ENABLE VOTE TRADEOFF ENSURING NORTH GOT WHAT IT WANTED ON SHARIA, KAITA BEMOANED LACK OF POLITICAL (I.E. LEGISLATIVE) EXPERIENCE OF MOST NORTHERN MEMBERS OF CA. HE SAID AMINU KANO WAS ONE OF FEW NORTHERN MEMBERS WHO HAD EXPERIENCE IN POLITICAL GIVE-AND-TAKE, DESCRIBING MOST OTHER PEJORATIVELY AS FORMER CIVIL SERVANTS, BUSINESSMEN OR UNIVERSITY TYPES.

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FM AMCONSUL KADUNA

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C O N F I D E N T I A L SECTION 2 OF 2 KADUNA 0457

5. WHEN WE ASKED WHETHER THERE WAS ANY LIKELIHOOD OF COMMUNAL TROUBLE IN THE NORTH OVER SHARIA DECISION, KAITA THOUGHT FOR A MOMENT AND SAID NO. HE TOLD US THAT HE HAD HAD A CALL FROM POLICE INSPECTOR GENERAL M.D. HUSUFU WHO

WAS COMING NORTH, HE THOUGHT, TO TAKE SOUNDINGS IN SOKOTO, KANO AND MAIDUGURI. (YUSUFU WAS SCHEDULED TO AND DID PRESIDE AT ALL NIGERIA POLICE ATHLETICS CHAMPIONSHIP MEET IN KADUNA APRIL 8.)

6. LATER WHEN CONVERSATION HAD DIGRESSED FROM SHARIA, WE ASKED WHETHER IBOS WERE STILL LIKELY BE COUNTED WITH THE NORTH IN 1979. KAITA SAID THEY DEFINITELY WOULD GO WITH THE NORTH AND WERE NOW MAKING OVERTURES TO THE NORTH. WE THEN WONDERED WHY IBO CA MEMBERS HAD NOT VOTED "RIGHT" ON SHARIA. KAITA AGAIN COMPLAINED OF LACK OF POLITICAL EXPERTISE OF NORTHERN MEMBERS, CLAIMING THAT IBO CA MEMBERS WOULD HAVE BEEN WITH NORTH IF APPROACHED PROPERLY EARLIER IN GAME.

7. IN BRIEF CHAT ON APRIL 8 WITH SOKOTO STATE DEPUTY POLICE COMMISSIONER I ASKED WHAT REACTION HAD BEEN IN SOKOTO TO CA SHARIA DECISION. DPC, WHO IS CHRISTIAN AND PROBABLY MIDDLE-BELTER, SAID HE HAD HEARD NOTHING AND CONFIDENTIAL

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SOKOTO WAS CALM.

8. COMMENT: KAITA THROUGHOUT CONVERSATION DESCRIBED SOUTHERNERS, ESPECIALLY YORUBA, AS OBDURATE AND UNCOMPROMISING. AS STAUNCH UPHOLDER OF ISLAMIC NORTH, HE WAS EQUALLY UNYIELDING. FACT THAT M.D. YUSUFU WAS COINCIDENTALLY SCHEDULED FOR TRIP TO KADUNA THIS WEEKEND WOULD ALSO MAKE IT EASY FOR HIM, AS ONE OF PRINCIPAL NORTHERN MEMBERS SMC, NOT ONLY TO TAKE SOUNDINGS ON NORTHERN REACTION BUT ALSO PASS ON TO INFLUENTIAL NORTHERNDRS THINKING OF SMC ON SHARIA ISSUE. NOT INCIDENTALLY, TRIP TO FAR NORTHERN STATE CAPITALS ALSO GIVES HIM OPPORTUNITY TO PASS WORD PRIVATELY TO STATE POLICE COMMISSIONERS TO ENSURE THAT ANY POTENTIAL TROUBLEMAKERS ARE KEPT UNDER WRAPS. BURKE

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